IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 8143 of 2005

Between:

S. Yadagiri S/o Late Jangaiah
R/o H. No. 8-2-156, Aliyabad, Hyderabad

..... PETITIONER

AND

1 The Superintendent, Gandhi Hospital, Secunderabad
2 The Chairman, Hospital Development Society, Gandhi Hospital, Secunderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order, or direction, more particularly one in the nature of writ of Mandamus declaring the action of the respondents in discontinuing the services of the petitioner as Lab Technician while continuing the juniors as arbitrary, illegal and violative of Art 14 & 16 of the Constitution of India and consequently set aside the order passed by the A.P. administrative Tribunal in O.A. No. 1034/2005 dt 01-03-2005, by directing the respondents to continue the petitioner as lab Technician on par with the others.

Counsel for the Petitioner:MR.G.VENKATESWARLU

Counsel for the Respondents 1 AND 2: GP FOR MEDICAL, HEALTH & FAMILY WELFARE .

The Court made the following :

O R D E R: (PER GB.J.,)

1) This writ petition is filed assailing the order passed in O.A.No.1034 of 2005, dated 01.03.2005 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad.

2) The petitioner was a retired Government employee. However, on 25.11.2003 he was again appointed in the Blood Bank of Gandhi Hospital, Secunderabad, on contract basis. While so, on 01.12.2004 his services were terminated by the agency. Aggrieved by the said termination, the petitioner filed O.A.No.1034 of 2005 before the Tribunal. The Tribunal after considering the matter, dismissed the O.A. Against the said order, this writ petition has been filed.

3) The learned counsel for the petitioner submits that the order of termination is illegal and arbitrary. He also submits that the similarly situated persons who are juniors to the petitioner are continuing on contract basis and the services of the petitioner were terminated without giving any valid reasons. Hence, he seeks appropriate relief.

4) As the petitioner was sponsored by a private agency, it is very much doubtful whether the O.A. is maintainable or not. Be that as it may, the Tribunal found that the termination was valid. Thus, we do not find any ground to interfere with the order.

5) The writ petition is accordingly dismissed. No costs.

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G.BIKSHAPATHY.J.,

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P.S.NARAYANA.J.,

Dt.12.04.2005

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To

1. The Superintendent, Gandhi Hospital, Secunderabad.
2. The Chairman, Hospital Development Society, Gandhi Hospital, Secunderabad.
3. 2 C.Cs to the G.P. for Medical & Health.
4. 2 C.D.Copies.

5) The Registrar, A.P.Administrative Tribunal, Hyderabad